

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v) CR. NO. 1:05cr258-LSC
)
 JASON JERNIGAN)

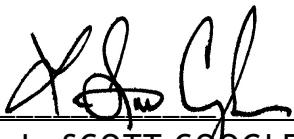
ORDER

Now pending before the Court is the defendant's motion to compel community confinement (doc. # 35). Attached to the motion is a motion to proceed *in forma pauperis* and an affidavit accompanying a motion for permission to appeal *in forma pauperis*. This Court has no jurisdiction to compel the Bureau of Prisons to place the defendant in community confinement, a decision which is committed to the discretion of the Bureau. Furthermore, the time for filing an appeal has long expired. Accordingly, upon consideration of the motions, and for good cause, it is

ORDERED the defendant's motion to compel community confinement (doc. # 35) be and is hereby DENIED. It is further

ORDERED that the motion to proceed *in forma pauperis* be and is hereby DENIED.

Done this 23rd day of April 2007.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
124153